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Sparks, Nevada 89432-0857

5 Tel: (775) 353-2324

Attorneys for Defendant Ken Fye

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

9 MICHAEL HOWARD,

10 Plaintiff,

11 vs.

12 TRAVIS BAILEY, KEN FYE,

13 Defendants.

Case No. 3:22-CV-00064-MMD-CSD

NOTICE OF APPEAL

14 Notice is hereby given that Defendant KEN FYE, by and through counsel Wesley K. Duncan,
15 Sparks City Attorney, and Mariah Northington, Senior Assistant City Attorney, hereby appeals to the
16 United States Court of Appeals for the Ninth Circuit from the District Court's Order [ECF 76] wherein
17 the District Court denied Defendant's Motion to Dismiss [ECF No. 56] and Defendant's Motion for
18 Summary Judgment [ECF No. 61], entered in this action on the 19th day of December, 2023.

19 **REPRESENTATION STATEMENT**

20 The undersigned represents Defendant KEN FYE. Pursuant to Rule 12(b) of the Federal Rules
21 of Appellate Procedure and Circuit Rule 3-2(b), Defendant-Appellant submits this Representation
22 Statement. The following list identifies all parties to the action, and it identifies their respective
23 counsel by name, firm, address, telephone number, and email.

24 **PLAINTIFF:** Michael Howard is represented pro se:

25 Michael Howard, Inmate No.: 66342

26 Northern Nevada Correctional Center

27 P.O. Box 7000

Carson City, Nevada 89702

28 nncclawlibrary@doc.nv.gov

1 **DEFENDANT:** KEN FYE is represented by:

2 Wesley K. Duncan, Sparks City Attorney
3 Sparks City Attorney's Office
4 P.O. Box 857
5 Sparks, Nevada 89432-0857
6 (775) 353-2324
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8 Mariah Northington, Senior Assistant City Attorney
9 Sparks City Attorney's Office
10 P.O. Box 857
11 Sparks, Nevada 89432-0857
12 (775) 353-2324
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14 DATED this 28th day of December, 2023.

15 WESLEY K. DUNCAN
16 Sparks City Attorney

17 By: /s/ Mariah Northington
18 MARIAH NORTINGTON
19 Senior Assistant City Attorney
20 *Attorneys for Defendant Ken Fye*
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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that I am an employee of the Sparks City Attorney's Office, Sparks, Nevada, and that on this date I served the foregoing document(s) entitled **NOTICE OF APPEAL** on the persons set forth below by Case Management/Electronic Case Filing (CM/ECF) and/or; placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Sparks, Nevada, postage prepaid, following ordinary business practices.

If physically delivered, each is addressed as follows:

Michael Howard, Inmate No.: 66342
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702
nncclawlibrary@doc.nv.gov

DATED this 28th day of December, 2023.

/s/ Roxanne Doyle

Roxanne Doyle